

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p>In re Application of JOHANNES ROESSNER,</p> <p style="text-align: center;">Petitioner,</p> <p>to Take Discovery Pursuant to 28 U.S.C. § 1782 in Aid of Foreign Litigants or Proceedings.</p>
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**APPLICATION FOR ORDER PURSUANT TO 28 U.S.C. § 1782**

Petitioner Johannes Roessner (“Petitioner” or “Applicant”) respectfully moves this Court for an order pursuant to 28 U.S.C. § 1782 allowing Petitioner to issue a subpoena pursuant to Federal Rules of Civil Procedure 30, 34 and 45 directing Respondent Deutsche Bank Trust Company Americas (“Deutsche Trust” or “Respondent”) to produce documents for use in the case *Deutsche Bank AG v. Johannes Rössner* (case no. 27 O 18319/16) (the “German Action”) pending in the Landgericht München I (Munich Regional Court I), and directing Deutsche Trust to appear for a deposition and to give testimony in connection with the German Action.

Petitioner’s application meets all of the statutory and discretionary requirements necessary to obtain discovery under Section 1782. Respondent is found in this District. Petitioners seek the discovery for use in prosecuting the German Action. Respondent is not party to the German Action, and, even if Deutsche Trust were deemed a party, granting discovery would be appropriate. Petitioner is not attempting to circumvent any requirements or proof-gathering restrictions of German law. The discovery is not unduly burdensome or intrusive. In further support of this application, Petitioner relies on his accompanying memorandum of law and the Declaration of János Morlin, his German counsel, dated July 12, 2021, with

accompanying exhibits, all submitted concurrently herewith. A proposed Order is attached hereto.

WHEREFORE, Petitioners respectfully pray that this Court enter an order:

1. Granting Petitioner's application for discovery from Deutsche Trust, the Respondent, pursuant to 28 U.S.C. § 1782;
2. Authorizing Petitioner to take discovery relating to the issues identified in his application from Respondent, by serving on Deutsche Trust one or more subpoenas for production of documents and for a deposition in substantially the form of Exhibit 2 to the accompanying Declaration of János Morlin;
3. Appointing the undersigned to issue, sign and serve such subpoenas; and
4. Providing that this Court shall retain such jurisdiction as is necessary to effectuate the terms of such subpoenas.

Dated: July 12, 2021  
New York, New York

Respectfully submitted,  
  
STONE LAW GROUP PLLC

By: /s/ Ralph M. Stone  
Ralph M. Stone  
(rs@stonepllc.com)

1700 Broadway, 41<sup>st</sup> Floor  
New York, NY 10019  
Tel. (212) 239-1550

*Attorneys for Petitioner*